

**MINUTES
URBAN COUNTY PLANNING COMMISSION
SUBDIVISION ITEMS**

July 14, 2011

- I. **CALL TO ORDER** - The meeting was called to order at 1:37 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission Members Present – Mike Cravens, acting Chair; Marie Copeland; Mike Owens; William Wilson; Patrick Brewer and Lynn Roche-Phillips. Eunice Beatty, Carla Blanton and Derek Paulsen were absent.

Planning Staff Present – Chris King; Bill Sallee; Barbara Rackers; Tom Martin; Jimmy Emmons; Cheryl Gallt; Chris Taylor and Denice Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Captain Charles Bowen, Division of Fire & Emergency Services; Tim Queary, Division of Streets, Roads and Forestry; Debbie Barnett, Division of Water Quality and Rochelle Boland, Department of Law.

- II. **APPROVAL OF MINUTES** – The Chair reminded the members that the Planning Commission meeting minutes of June 9, 2011, had been previously distributed to the Commission, and were ready to be considered at this time.

Action - A motion was made by Mr. Owens, seconded by Mr. Brewer and carried 6-0 (Beatty, Blanton and Paulsen absent) to approve the minutes of the June 9, 2011, meeting.

- III. **POSTPONEMENTS OR WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.

- a. DP 2011-62: RIDDELL PLAZA, LOTS 1 & 4 (9/5/11)* - located at 301 and 313 Burley Avenue.
(Council District 11) **(EA Partners)**

Representation – Al Gross, EA Partners, was present representing the applicant, and requested postponement of DP 2011-62: RIDDELL PLAZA, LOTS 1 & 4 to the August 11, 2011, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Brewer, seconded by Ms. Roche-Phillips, and carried 6-0 (Beatty, Blanton and Paulsen were absent) to postpone DP 2011-62: RIDDELL PLAZA, LOTS 1 & 4 to the August 11, 2011, Planning Commission meeting.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, July 7, 2011, at 8:30 a.m. The meeting was attended by Commission members: Mike Cravens, Mike Owens, Marie Copeland, Derek Paulsen and Eunice Beatty. Committee members in attendance were: Chuck Saylor, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Chris Taylor, Denice Bullock, Jimmy Emmons, Barbara Rackers and Traci Wade, as well as Captain Charles Bowen, Division of Fire & Emergency Services; Debbie Barnett, Division of Water Quality and Rochelle Boland, Law Department. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

- 1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
- 2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

- A. **CONSENT AGENDA - NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria:

- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
- (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
- (3) no discussion of the item is desired by the Commission; and
- (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and
- (5) the matter does not involve a waiver of the Land Subdivision Regulations.

Requests can be made to remove items from the Consent Agenda:

- (1) due to prior postponements and withdrawals,
- (2) from the Planning Commission,
- (3) from the audience, and
- (4) from Petitioners and their representatives.

At this time, the Chair requested that the Consent Agenda items be reviewed. Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of some of these items, and the

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other item listed had been recommended for reapproval. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2011-67F: RICHARDSON PROPERTY, UNIT 5, SECTION 3 (9/5/11)* - located on Hannah Todd Place.
(Council District 7) **(Fred Eastridge)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Approval of street addresses as per e911 staff.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 7. Revise notes #9 & #11.
 8. Label detention easement area on adjacent property.
 9. Addition of maintenance note for access easement.
 10. Addition of street tree schedule notes.
 11. Addition of tree canopy and planting statistics notes.
 12. Denote: One dwelling unit per lot.
 13. Exaction information to the approval of the Division of Planning.
 14. Delete access easement (for parking) on lot 86 to match development plan.
 15. Clarify side yard setback in the development standard for townhomes (attached units).
2. PLAN 2011-68F: RICHARDSON PROPERTY, UNIT 5, SECTION 4 (9/5/11)* - located on Hannah Todd Place.
(Council District 7) **(Fred Eastridge)**
- The Subdivision Committee Recommended: **Approval**, subject to the following conditions:
1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping.
 4. Approval of street addresses as per e911 staff.
 5. Urban Forester's approval of tree protection area(s) and required street tree information.
 6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
 7. Correct note #10 to read: "This property shall be developed in accordance with the approved final development plan."
 8. Addition of street tree schedule notes.
 9. Addition of tree protection and planting statistics notes.
 10. Denote: One dwelling unit per lot.
 11. Exaction information to the approval of the Division of Planning.
 12. Clarify side yard setback in the development standard for townhomes.
 13. Addition of access easement cross-section between lots 74 and 75.
 14. Denote street frontage in site statistics.
 15. Denote setback for lot 75.
3. PLAN 2011-69F: BEAUMONT FOREST, UNIT 1, LOTS 4D & 4E (9/5/11)* - located at 2421 Members Way.
(Council District 10) **(Endris Engineering)**

Note: The purpose of this amendment is to subdivide one lot into two lots and to create new easements.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Revise engineer's certification to meet Article 5-4(h)(2) of the Land Subdivision Regulations and relocate survey note.
8. Addition of general notes from Plat Cabinet K, Slide 681.
9. Clarify new easements created or correct purpose of amendment note.
10. Revise property owner's certification noting dedication of public street.
11. Addition of a note regarding floor elevations relative to nearest manhole elevation(s).

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4. PLAN 2011-70F: ARLINGTON WEEKLY PAYMENT CO. & INVESTMENT CO. ADDITION (AMD) (9/5/11)* - located at 221 Devonia Avenue. (Council District 1) **(Foster-Roland)**

Note: The purpose of this amendment is to create two lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Addition of property owner's/developer's information.
8. Remove previous zoning information.
9. Remove previous lotting information clarifying two lots created.
10. Delete duplicate floor elevations note.
11. Addition of maintenance note per Article 5-4(g) of the Land Subdivision Regulations.
12. Clarify the existing and proposed tree canopy information.
13. Denote that this plat is an "Amended Final Record Plat."

5. PLAN 2011-71F: MARK ACRE PROPERTY (SOUTH BROADWAY LAND, LLC) LOTS 1 & 2 (9/5/11)* - located at 502 South Broadway and 319 Cedar Street. (Council District 3) **(Endris Engineering)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Approval of street addresses as per e911 staff.
5. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
6. Clarify status of public infrastructure dedication and appropriate certifications.
7. Denote Plunkett Street sidewalk transition.
8. Addition of conditional zoning restrictions.
9. Resolve proposed utility easement conflict with dumpster location.

6. PLAN 2011-72F: SHARKEY PROPERTY, UNIT 1, LOT 10 (AMD) (9/5/11)* - located at 120 Louie Place. (Council District 2) **(EA Partners)**

Note: The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Approval of street addresses as per e911 staff.
5. Urban Forester's approval of tree protection area(s) and any street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Denote: This property shall be developed in accordance with the approved final development plan.
8. Delete note #9.
9. Clarify access easement maintenance notes and revise note #8, as necessary.

7. DP 2011-59: BOBBIE & SYLVIA WALLER PROPERTY (9/5/11)* - located at 1528, 1532 and 1534 North Limestone. (Council District 1) **(Vision Engineering)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Department of Environmental Quality's approval of environmentally sensitive areas.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Division of Fire's approval of emergency access and fire hydrant locations.
9. Division of Waste Management's approval of refuse collection.

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10. Depict the landscape buffer details along the property frontage, per the conditional zoning restriction note (D-2).
 11. Resolve possible widening and curb installation on North Limestone Street.
 12. Resolve internal turning movements for Fire & EMS vehicles.
8. DP 2011-60: SHARKEY PROPERTY, UNIT 1, LOT 10B (9/5/11)* - located at 120 Louie Place.
(Council District 2) **(The Roberts Group)**

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Addressing Office's approval of street names and addresses.
 5. Urban Forester's approval of tree protection plan.
 6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
 7. Division of Fire's approval of emergency access and fire hydrant locations.
 8. Division of Waste Management's approval of refuse collection.
9. DP 2011-64: MARQUIS BUILDING (9/26/11)* - located at 407 Marquis Avenue.
(Council District 3) **(The Roberts Group)**

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
 2. Urban County Traffic Engineer's approval of street cross-sections and access.
 3. Building Inspection's approval of landscaping and landscape buffers.
 4. Approval of street addresses as per e911 staff.
 5. Urban Forester's approval of tree protection plan.
 6. Division of Fire's approval of emergency access and fire hydrant locations.
 7. Division of Waste Management's approval of refuse collection.
 8. Addition of dimension on walkways.
 9. Addition of construction access location.
 10. Delete note #6.
 11. Clarify exterior building dimensions.
10. DP 2007-141: NEWMARKET PROPERTY, UNIT 8 (10/15/11)* - located at 1501 Deer Haven Lane (a portion of).
(Council District 12) **(EA Partners)**

Note: This plan requires the posting of a sign and an affidavit of such. This plan was approved by the Planning Commission at its December 13, 2007, meeting, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
3. Building Inspection's approval of landscape buffer.
4. Urban Forester's approval of tree preservation plan.
5. Division of Fire's approval of emergency access and fire hydrant locations.
6. Division of Solid Waste's approval of refuse collection.
7. Approval of street names and addresses per e911 staff.
8. Addition of sanitary sewer force main easement.

On December 13, 2007, the Planning Commission made a finding that this development plan complies with the EAMP Compliance report, for the following reasons:

1. The proposed single family development is an allowable use, and is within the density recommended by the EAMP.
2. The applicant has designed this development to be consistent with previously approved plans fronting Polo Club Boulevard in this and adjoining units.
3. The EAMP requires Polo Club Boulevard on the subject property, which has been built and dedicated, as required.

Note: The Plan was certified on May 14, 2008, but the Preliminary Subdivision Plan portion of this property has since expired. The applicant is now requesting a reapproval of that portion of the plan.

The Subdivision Committee Recommended: **Reapproval**, subject to four conditions:

1. Addition of second Planning Commission certification (referencing today's date).
2. Correct note #4.
3. Revise limits of plan to permit construction of street stub in right-of-way.
4. Addition of proposed overhead electric utility easement.

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Mr. Sallee said that the staff had received the required documentation from the applicant regarding the posting of a sign and an affidavit of such for DP 2007-141: NEWMARKET PROPERTY, UNIT 8. He concluded by saying that the items listed on the Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed for discussion purposes.

Consent Agenda Discussion – The Chair asked if anyone in the audience or on the Commission desired further discussion of any of the items listed on the Consent Agenda. There was no response.

Action - A motion was made by Ms. Roche-Phillips, seconded by Mr. Brewer, and carried 5-0-1 (Copeland abstained; Beatty, Blanton and Paulsen absent) to approve the items listed on the Consent Agenda.

- B. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for consideration of these remaining plans is as follows:

- Staff Report(s)
- Petitioner's Report(s)
- Citizen Comments – (a) in support of the request, and (b) in opposition to the request
- Rebuttal – (a) petitioner's comments, (b) citizen comments, and (c) staff comments
- Commission discusses and/or votes on the plan

1. FINAL SUBDIVISION PLANS

- a. PLAN 2007-177F: SHARKEY PROPERTY, UNIT 4 (9/30/11)* - located on Louie Place and Hatter Lane.
(Council District 2) **(EA Partners)**

Note: The Planning Commission originally approved this plan on September 13, 2007, and approved an extension (for Section 2) on September 11, 2008, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and required street tree information.
4. Approval of street names by e911 staff.
5. Urban Forester's approval of tree preservation plan.
6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
7. Addition of adjoining property information.
8. Denote zone-to-zone screening.
9. Denote: Property shall be developed in accordance with the approved final development plan.
10. Resolve compliance with approved preliminary development plan concerning street lotting and access.
11. Resolve compliance with Subdivision Regulations concerning street terminus (cul-de-sac).

Note: Section 1 of this plat, for the I-1 zoned portion of the property, was recorded on 4/16/08. More recently, a final development plan for this property was approved by the Planning Commission on 3/11/10, granting a waiver to the Subdivision Regulations so as not to require the construction of a cul-de-sac. The Planning Commission granted a Reapproval for Section 2 of this plat on April 8, 2010, subject to the following conditions:

1. Conditions 1-9 as required by the Planning Commission on 9/11/08.
2. Denote Planning Commission's approval of Waiver to the Land Subdivision Regulations for the street terminus.
3. Revise the lot line separating Lots 2 & 3 to eliminate any conflicts with the approved final development plan.
4. Revise the drainage easement limits, to the approval of the Division of Engineering, as necessary.

Section 2 has not been recorded, and Commission approval has since expired.

Note: The applicant now requests a reapproval for Section 2 of this plan.

The Staff Recommends: **Reapproval**, subject to the previous conditions and one additional condition:

5. Urban Forester's approval of required street tree information.

Staff Presentation – Ms. Gallt directed the Commission's attention to a rendering of the amended Final Record Plat for Sharkey Property, Unit 4. She oriented the Commission to the surrounding street system, and said that the subject property is located to the rear of Louie Place and Hatter Lane, just off Leestown Road, west of the Meadowthorpe Shopping Center. She said that Unit 4 consists of an apartment complex and a maintenance building on Section 1.

Ms. Gallt briefly explained the history of this subdivision request, noting that the Planning Commission had originally approved the final record plat for Unit 4 on September 13, 2007, subject to the conditions listed on today's agenda. She said that on April 16, 2008, Section 1 of Unit 4 was recorded. She then said that the applicant had submitted a

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request not to construct the cul-de-sac for Section 2, at which time the Planning Commission granted a waiver to the Subdivision Regulations. On April 8, 2010, the Planning Commission granted a reapproval for Unit 4, Section 2, subject to the additional conditions listed on today's agenda. Section 2 has not yet been recorded, and the Commission's approval has since expired. She said that that applicant is now requesting the Commission to reapprove Section 2, in order to subdivide the Unit 4 development into two lots.

In conclusion, Ms. Gallt said that the staff is recommending reapproval of this request, subject to the previous conditions listed on today's agenda, and one additional condition, as listed on the agenda.

Representation – Al Gross, EA Partners, was present representing the applicant. He said that they are in agreement with the staff's recommendations, and requested reapproval.

Planning Commission Question – The Chair asked if anyone on the Commission wished to discuss this request. There was no response.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for reapproval. There was no response.

Action - A motion was made by Mr. Wilson, seconded by Mr. Brewer, and carried 6-0 (Beatty, Blanton and Paulsen absent) to reapprove PLAN 2007-177F: SHARKEY PROPERTY, UNIT 4, subject to the previous conditions and one additional condition as recommended by the staff.

2. DEVELOPMENT PLANS

- a. DP 2011-52: BEAUMONT FARM, UNIT 1 SEC. 4, LOT 4 (7/31/11)* - located at 3064 Beaumont Centre Circle.
(Council District 10) **(Midwest Engineering)**

Note: The Planning Commission postponed this plan at the June 9, 2011, meeting.

The Subdivision Committee Recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Correct conditional zoning restrictions.
10. Resolve internal circulation and access for this lot and adjoining lots by the extension of an access easement per Lot 2 of this development.

Staff Presentation – Mr. Taylor directed the Commission's attention to a rendering of the final development plan for Beaumont Farm, Unit 1, Section 4, Lot 4, located at 3064 Beaumont Centre Circle. He oriented the Commission to the surrounding street system, and said that the subject property is located at the corner of Beaumont Centre Circle and Lakecrest Circle. He directed the Commission's attention to Lot 2 on the approved Zoning Development Plan, and said that the Commission had previously approved a final development plan for Lot 2 and construction has been completed. This plan for Lot 4 is the second final development plan for Unit 1 to be submitted to the Commission for review.

Mr. Taylor said that the purpose of this plan is to permit a new office building and parking on this site. He noted that Unit 4 is zoned B-3, and said that the applicant is proposing to construct a 17,500 sq. ft. building on Lot 4 and provide 75 parking spaces, with an access off of Lakecrest Circle.

Mr. Taylor said that the Subdivision Committee had reviewed this request at their June 2nd meeting, and recommended approval, subject to the conditions listed on today's agenda. He then said that condition #10 related to the internal circulation on these lots, as there is a common shared access easement along the common lot line of Lot 2. In an effort to provide a continuous circulation from Lot 2 to Lot 4, the staff had requested that the applicant provide a shared access easement along Lot 3. He said that the applicant was unsure if the staff's request could be met, and requested the Commission postpone this item at their June 9th meeting.

Mr. Taylor then said that the applicant had submitted a revised development plan to the staff on July 12th, attempting to address condition #10. However, with each of the lots having different property owners, the applicant was not able to obtain all permission to provide that connection between the two shared access easements in time for today's meeting. He said that the staff understands the applicant is making an effort to resolve condition #10; however, with the recent submittal, the development layout is different from what was previously shown to the Subdivision

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Committee. The revised plan depicts an increase in the building footprint, as well as a new 26' access easement. He said that in order for an access easement to be created on Lot 3, an easement minor plat would need to be recorded. Therefore, the staff is recommending an additional condition to ensure that the creation of the access easement is shown on this development plan. With that being said, the staff is recommending approval, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Correct conditional zoning restrictions.
10. Resolve internal circulation and access for this lot and adjoining lots by the extension of an access easement per Lot 2 of this development.
11. Certification of an easement minor plat prior to certification of this development plan.

Planning Commission Questions – Ms. Roche-Phillips asked if Lots 2, 3, 4 and 7 have been built. Mr. Taylor replied negatively, and said that there is an approved final development plan only for Lot 2. He then said that the preliminary development plan still governs the remaining lots. Ms. Roche-Phillips then asked if there is time to continue the shared access easement across Lot 3. Mr. Taylor replied affirmatively, and said that if and when a request is submitted for Lot 3, the staff would request that the shared access easement connect Lots 2 and 4. Ms. Roche-Phillips then asked if the rear access easement has been constructed. Mr. Taylor replied affirmatively, and said that the rear access easement mirrors the shared access easement on Lot 2. Ms. Roche-Phillips asked that out of five lots, if only two lots have been platted. Mr. Taylor said that all five lots have been platted, but only two lots have approved final development plans.

Mr. Owens said that the rendering shows access off Beaumont Centre Circle, and asked if the rendering is correct. Mr. Taylor said that that access shown is from the preliminary development plan, and that any access on Lot 3 would be subject to the Commission's approval on a future final development plan.

Representation – Tom Lambdin, Midwest Engineering, was present representing the applicant. He said that his client had met with the property owner of Lot 7, and they had agreed to split the access easement between Lots 4 and 7. He then said that Al Gross, EA Partners was present on behalf of the property owners for Lot 7, and could verify the shared access easement agreement, he described.

Mr. Lambdin said that they are in agreement with the revised recommendations and requested approval.

Planning Commission Questions – Ms. Copeland said that by increasing the building's square footage, the envelope is being pushed to have access off Beaumont Centre Circle. She then said that with the increased square footage, the internal circulation around the building is limited. By changing the layout of this development, it is not fair to the other property owners within this quadrant. She said that there should be no entrance off Beaumont Centre Circle, and access should be provided through the shared access for both front and rear lots. She then said that if the applicant can not guarantee this shared access, then this item should be postponed. Mr. Taylor said that the building envelope will stop just prior to the 20' utility easement along Beaumont Centre Circle. He then said that the access off Lakecrest Circle has been shifted 10 feet toward the common property line. This change would allow the rear parking to be moved back toward the rear lots, as well as allow more flexibility with the building envelope. He noted that the only change being made to the building envelope is at the rear of the property.

Ms. Copeland asked, if the Commission approved this request, if the applicant could come back requesting access off Beaumont Centre Circle. Mr. Taylor replied negatively, and said that the Subdivision Committee made it clear that the access is to be off Lakecrest Circle, and it should mirror the access directly across from Lots 4 and 7. He then said that the applicant would need to address condition #10, unless the Commission chooses to delete that condition.

Ms. Copeland asked if Lot 2 had been developed. Mr. Taylor replied affirmatively, and said that the access easement is present, as well. Ms. Copeland said that there should access to all the lots within the development. Mr. Taylor said that there will be future development for the remaining lots; but at this time, the applicant is only requesting approval for Lot 4.

Mr. Cravens asked if the access easement will be split between Lots 4 and 7, to which Mr. Taylor replied affirmatively. Ms. Copeland asked if the applicant would only furnish half the access easement. Mr. Taylor replied affirmatively.

Mr. Owens asked if the property owners of Lots 4 and 7 will be providing a portion of their land for the shared access easement. Mr. Taylor replied affirmatively. Mr. Owens then asked if condition #10 would clarify that agreement. Mr.

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Taylor said that this condition was recommended by the Subdivision Committee. Mr. Owens asked if condition #11 should remain. Mr. Taylor said that condition #11 will ensure that the easement minor plat is created prior to certification of this development plan. Mr. Cravens said that the Subdivision Committee had requested condition #11 to be placed on the recommendations.

Ms. Copeland confirmed that the Commission is not approving Lot 3, which has the access of Beaumont Centre Circle. Mr. Taylor said that if and when Lot 3 is submitted, the applicant will need to revise the development to resolve condition #10.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Ms. Copeland, seconded by Mr. Wilson, and carried 6-0 (Beatty, Blanton and Paulsen absent) to approve DP 2011-52: BEAUMONT FARM, UNIT 1, SEC. 4, LOT 4, subject to the revised conditions provided by the staff.

- b. DP 2011-58: TATES CREEK CENTRE, LOT 1 (FORMERLY BELLEAU WOOD SHOPPING CENTER) (AMD #10) (9/5/11)* - located at 4192 Bates Creek Centre Drive. (Council District 4) **(Civil & Environmental Consultants)**

Note: The purpose of this amendment is to revise the building and parking layout for Lot 1.

The Subdivision Committee Recommended: **Postponement.** There were still unresolved issues regarding pavement, landscaping and entrance details.

Should this plan be approved, the following requirements should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Denote dimension of walkways on Lot 1.
10. Addition of required parking statistic (1/250 GSF) for Lot 1.
11. Document State of Kentucky's approval of the removal of in-ground storage tanks.
12. Addition of date in Planning Commission certification.
13. Correct "FIRM Map" note to indicate that Lot 1 is in zone "X".
14. Addition of existing and proposed easements.
15. Addition of all approved information from DP 2011-27 if certified prior to certification of this plan.
16. Discuss the entrance location onto Bates Creek Centre Drive relative to the Man o' War Boulevard intersection.
17. Discuss the proposed building and pavement relative to the rear of building.
18. Discuss sidewalks and landscape buffer.

Staff Presentation – Mr. Sallee directed the Commission's attention to a rendering of the amended final development plan for Bates Creek Centre, Lot 1 (Formally known as Belleau Wood Shopping Center) (AMD #10), located at 4192 Bates Creek Centre Drive. He noted that the staff had previously distributed two handouts to the Commission, which included the staff's revised recommendations and a landscape plan for the branch bank.

Mr. Sallee said that the Subdivision Committee had recommended postponement of this request at their July 7th meeting. Since that time, the applicant had submitted a revised development plan to the staff, noting that the most recent submission is different from what the Subdivision Committee had reviewed.

Mr. Sallee oriented the Commission to the surrounding street system, and said that the shopping center is bounded by Man o' War Boulevard, Bates Creek Road, and Wilson-Downing Road. He then said that there are two signalized intersections within the general area; one is located at the intersection of Bates Creek Road and Wilson-Downing Road and the second is located at Man o' War Boulevard and Bates Creek Road. He noted that there is also a signalized intersection at the main entrance of the shopping on Bates Creek Road. He said that Lot 1 is located on the far end of the Bates Creek Center Shopping Centre, and is at the signalized intersection of Man o' War Boulevard and Saron Drive.

Mr. Sallee directed the Commission's attention to an aerial photograph shown on the overhead projector, and said that there is an existing gas station on the subject property, as well as two two-way access points. He explained that one of the access points is closer to the intersection of Man o War Boulevard and Bates Creek Centre Drive. The second access point is further down Bates Creek Centre Drive. He said that the purpose of this amendment is to replace the existing gas station with a 4,120 sq. ft. branch bank, with an associated drive-through that will be located

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midpoint on the development. He noted that the two existing access point will be retained; but the access point closer to the Man o' War and Bates Creek Centre Drive intersection will be converted from a two-way access to an "entrance only." The other access point currently allows two-way traffic and it will remain "as is". He said that the applicant has proposed a third access point for this development, but it will be utilized only by the exiting traffic from the new drive-through lanes.

Mr. Sallee said that this property is zoned B-6P, and the parking requirements is 17 spaces. The applicant is proposing 22 off-street parking spaces for a bank of this size; therefore, the parking is in compliance with the minimum Zoning Ordinance requirements.

Mr. Sallee then directed the Commission's attention to the revised staff recommendation, and said that since the Subdivision Committee meeting, the applicant had addressed many of the issues and discussion items that were forwarded to the Planning Commission with the newest submission. Mr. Sallee said that the staff can now offer the following revised recommendation.

The Staff recommended: **Approval**, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm & sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
- ~~9. Denote dimension of walkways on Lot 1.~~
- ~~10. Addition of required parking statistic (1/250 GSF) for Lot 1.~~
11. Document Denote timing of the State of Kentucky's approval of the removal of in-ground storage tanks.
- ~~12. Addition of date in Planning Commission certification.~~
- ~~13. Correct "FIRM Map" note to indicate that Lot 1 is in zone "X".~~
- ~~14. Addition of existing and proposed easements.~~
15. Addition of all approved information from DP 2011-27 if certified prior to certification of this plan.
- ~~16. Discuss the entrance location onto Bates Creek Centre Drive relative to the Man o' War Boulevard intersection.~~
- ~~17. Discuss the proposed building and pavement relative to the rear of building.~~
18. Discuss sidewalks and Resolve landscape buffer width and delete notes referencing 10' arterial screening along Man o' War Boulevard.

Mr. Sallee said that conditions #1 through 8 are standard sign-off conditions from the different divisions of the LFUCG. He then said that conditions #9, 10, 12, 13, 14, 16 and 17 have been addressed with the revised submission and can be deleted.

Mr. Sallee indicated that a portion of condition #11 had been met with this revised submission, but the applicant still needs to denote the timing as to when the permit will be obtain through the State of Kentucky for the removal of in-ground storage tanks. He said that condition #15 is related to the previously approved amended Final Development Plan for Bates Creek Centre (DP 2011-27). He noted that the Commission had previously approved a request to construct a large addition to the main shopping center. At the Commission's April 14, 2011, meeting, there was a lengthy discussion regarding the Big-Box Design Guidelines, as well as the parking revisions for the main shopping center parking lot. He said that if DP 2011-27 is certified prior to the certification of this request, the applicant will need to add the most up-to-date information to this development plan.

Mr. Sallee said that the applicant had provided documentation to the staff showing that the existing width of the main entrance, closer to the intersection of Man o' War Boulevard and Bates Creek Centre Drive, will not be widened and it will be shifted 2 feet away from that intersection addressing condition #16.

Mr. Sallee then said that condition #18 related to the landscape buffer along Man o' War Boulevard, and to a note on the development plan. He said that the note indicated that there should be a 10' landscape buffer area along Man o' War Boulevard. However, in speaking with the Division of Building Inspection, it was recommended that the existing landscape buffer should be between 3 to 5 feet in width. He said that this change will specifically have an effect on the area near the dumpster location and one of the parking spaces.

In conclusion, Mr. Sallee said that with this revised development plan for Lot 1, the staff can now recommend approval, subject to the conditions as presented by the staff.

Planning Commission Questions – Mr. Owens said that it was previously mentioned that there is one parking space impacted near the dumpster, but the rendering shows three parking spaces there and he asked for clarification. Mr. Sallee said that there are three parking spaces near the dumpster, but only one of those parking spaces is closer than 10 feet to Man o' War Boulevard, which conflicts with condition #18.

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Ms. Copeland said that the revised development plan, along with the installation of the sidewalk, has provided good pedestrian connection for this area. However, when traffic backs up on Bates Creek Centre Drive due to incoming traffic from Man o' War Boulevard, the bank traffic will not be able to make the left hand turn into the property. She asked if Ms. Gleason, Bike & Pedestrian Planner, could pay attention to this area, and suggested that a "rumble strip" or a textured pavement could be used for sidewalk crossing. Mr. Sallee said that, in speaking with Ms. Gleason, the existing sidewalk ends at the cross-walk of Man o' War Boulevard and Bates Creek Centre Drive. He then said that one of the discussions among the staff was how to extend the sidewalk down Bates Creek Centre Drive. The applicant is not proposing to extend the sidewalk near the curb line of Bates Creek Centre Drive, but they are proposing to bring the sidewalk closer to and behind the proposed building. Ms. Copeland said that people tend to walk the shortest distance between two points, noting that this area could pose a hazard to pedestrian traffic. She suggested that a "rumble strip" be installed to inform the incoming traffic of the pedestrian traffic.

Representation – Michael Kady, Civil & Environmental Consultants, was present representing the applicant. He said that at the recent Subdivision Committee meeting, the Committee had requested that they bring a rendering of their proposal for the landscaping plan to today's meeting, which they have done. With that being said, he said that they are in agreement with the revised recommendations and requested approval.

Planning Commission Questions – Mr. Wilson asked if the existing Chase Bank drive-through on Bates Creek Centre Drive will close. If that is the case, there will be no traffic entering or exiting that site. Mr. Kady replied affirmatively.

Mr. Owens said that it is obvious that the applicant has been working diligently on this plan, and he agreed with Ms. Copeland's suggestions.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Owens, seconded by Mr. Brewer, and carried 6-0 (Beatty, Blanton and Paulsen absent) to approve DP 2011-58: TATES CREEK CENTRE, LOT 1, subject to the following revised conditions:

1. Urban County Engineer's acceptance of drainage, storm & sanitary sewers and floodplain information.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Denote timing of the State of Kentucky's approval of the removal of in-ground storage tanks.
10. Addition of all approved information from DP 2011-27 if certified prior to certification of this plan.
11. Resolve landscape buffer width and delete notes referencing 10' arterial screening along Man o' War Boulevard.

- c. DP 2011-61: A-1 SANITATION & EDSTER PROPERTY (9/5/11)* - located at 763 and 779 Newtown Pike.
(Council District 1) **(JE Black)**

The Subdivision Committee Recommended: Approval, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Correct plan title.
10. Denote tree protection area and add calculation per Article 26 of the Zoning Ordinance.
11. Delete all "existing gravel" references in the B-4 zone portion of the plan.
12. Correct required parking statistics (1/600 sq. ft.).
13. Addition of soil erosion control note and reference Chapter 16 of the Code of Ordinances.
14. Delete note #8.
15. Addition of note from Zoning Development Plan regarding provision of fire hydrants.
16. Resolve the possible conflict with the existing sanitary sewer line.
17. Resolve internal movement for fire and emergency vehicles.

Staff Presentation – Mr. Martin directed the Commission's attention to a rendering of the final development plan for A-1 Sanitation & Edster Property, located at 763 and 779 Newtown Pike. He noted that this request was related to the recent zone change (MAR 2011-1) that the Commission had approved on February 24, 2011.

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Mr. Martin oriented the Commission to the surrounding street system, and illustrated the location of the current uses within the general area. Those uses include Imperial Trailer Park, Lexmark, Douglas Park, and an elementary school.

Mr. Martin said that there are two parcels on this site, but only one parcel was subject to the recent zone change request. He then said that the parcel closer to Newtown Pike (763 Newtown Pike) is zoned B-3, and the parcel closer to Douglas Park (779 Newtown Pike) is zoned B-4. He noted that there are elements associated with 763 Newtown Pike that will influence the development of 779 Newtown Pike. Some of these elements include the access from Newtown Pike back toward 779 Newtown Pike, as well as the location for the proposed detention basin. He said that the applicant is proposing to develop two buildings on this site. The building closer to Newtown Pike will be 10,000 sq. ft and the rear building is proposed to be 8,428 sq. ft. He then said that the paved area and parking will be distributed around these two buildings.

Mr. Martin said that the Subdivision Committee reviewed this request at their July 7th meeting and recommended approval, subject to the conditions listed on today's agenda. Initially this request was listed on the Consent Agenda. However, the applicant had submitted a revised development plan to the staff on July 13, 2011; and after the staffs' review, it was determined that parking statistics on the development plan had changed. The applicant had addressed condition #12, and by making this correction, the number of parking spaces was reduced from 39 to 33. He said that that correction to the development plan provided a better layout and provided better circulation throughout the area.

Mr. Martin directed the Commission to the revised staff recommendation, and said that with the newest submission, the staff could now offer the following revised recommendations:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
- ~~9. Correct plan title.~~
- ~~9.~~ ~~10.~~ Denote tree protection area and add calculation per Article 26 of the Zoning Ordinance.
- ~~11.~~ ~~Delete all "existing gravel" references in the B-4 zone portion of the plan.~~
- ~~12.~~ ~~Correct required parking statistics (1/600 sq. ft.).~~
- ~~10.~~ ~~13.~~ Addition of soil erosion control note and reference Chapter 16 of the Code of Ordinances.
- ~~11.~~ ~~14.~~ Delete note #8.
- ~~12.~~ ~~15.~~ Addition of note from Zoning Development Plan regarding provision of fire hydrants.
- ~~13.~~ ~~16.~~ Resolve the possible conflict with the existing sanitary sewer line.
- ~~17.~~ ~~Resolve internal movement for fire and emergency vehicles.~~
- ~~14.~~ ~~Resolve proposed building envelope conflict with parking spaces.~~

Mr. Martin briefly explained the staff's revised recommendation, and noted that conditions #1 through 8 are standard sign-off conditions from the different divisions of the LFUCG. He then said that the original conditions #9, 11, 12 and 17 were cleanup conditions and have been addressed, noting that these conditions could now be removed.

Mr. Martin continued to explain the remaining conditions listed on today's agenda, and said that when this property was approved for rezoning, there was a significant amount of trees on the site. He said that the applicant will need to denote the tree protection area on the development plan, as well as add the calculations, as required in the Zoning Ordinance. He then said that the applicant will also need to add the soil erosion control note and reference Chapter 16 of the Code of Ordinances. Mr. Martin said that note #8 on the development plan will need to be deleted, and the noted concerning the fire hydrant on the zoning developing plan will need to be added.

Mr. Martin said that the applicant will need to resolve the conflict with the existing sanitary sewer line on this property. He said that this is an active line that serves the nearby school and should be relocated, if necessary. He then said that the applicant does have the option of building a smaller building should they choose not to relocate the sewer line. The applicant will also need to resolve the building envelope conflict with parking spaces. He said that a building envelope does allow some flexibility; but for this development, the building envelope is rather large and does conflict with the required parking.

In conclusion, Mr. Martin said that the staff is recommending approval of this request, subject to the revised conditions previously distributed.

Planning Commission Questions – Ms. Copeland asked how the Commission can approve this request if the location of the sanitary sewer lines is unknown. Mr. Martin said that the applicant can obtain a grading permit from the Division of Engineering, who will then approve the new infrastructure that is built. He then said that once the conflict is resolved, then a building permit can be obtained through the Division of Building Inspection. Ms. Copeland

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repeated that the location of the new line is unknown. Mr. Martin said that the Division of Engineering would approve the new location of the sewer line.

Ms. Copeland asked if the detention basin can handle the other lot once it is developed. Mr. Martin said that that would be an aspect of the detention basin design, and the applicant's engineer could answer that question.

Ms. Roche-Phillips said that it does not seem to be very good planning to bisect the sanitary sewer line and asked if it could be relocated to the property line. Mr. Martin said that the engineers in the field would determine the appropriate adjustments and location of the sewer line. He then said that the location of the sewer line is an aspect of engineering design. Ms. Roche-Phillips asked if the applicant's representation could address that issue, noting that it is not a good idea to have a sewer line under a building versus having it under a blacktop area. Mr. Martin said that a building permit would not be approved without this conflict being resolved first. Ms. Roche-Phillips said that the sewer line needs to be along the property line and not in the parking lot. Mr. Cravens said that that is not necessarily true. He then said that it is fairly standard for a sewer line to run through parking lots. Nothing can be built or placed on top of those lines, such decks or buildings. He indicated that sewer lines located in a parking area are much easier to access and maintain versus sewer lines in a grassy area, especially when there is bad weather. Mr. Martin said that Mr. Newman, Division of Engineering, was present, as well as Mr. Black, the applicant's engineer; and they could address that issue.

Representation – Jim (J.E) Black, was present representing the applicant. He said that they had performed a boundary survey on this property and that survey noted a sanitary sewer easement running parallel to Newtown Pike, as well as overhead lines that do not appear to have an easement. In their survey they did not find any easement for the sanitary sewer line in question, and they were not aware of this issue until recently. He then said that in speaking with the Division of Engineering, they had confirmed that there is no record of an easement being on this property at that location.

Mr. Black said that this request had begun as a preliminary development plan, and it would have been beneficial for this issue to be known at that time. He explained a few different scenarios as to how the sewer line could be routed, noting that the design of the sewer line is contingent upon Division of Engineering approval. He indicated that it is standard for sewer lines to be relocated.

Mr. Black then said that the subject property has been hard packed graveled for quite some time; and when replacing the existing material with like material (imperious surface), the outcome will be minimal, unlike changing a grass area to a hard surface. He said that they will design the basin with a capacity to handle the entire development. He said that the basin will be designed with 3 to 4 foot deep concrete walls; and as part of the Division of Building Inspection's requirement, fencing will be installed on the top for safety. He said that there is existing landscaping along the right-of-way of Newtown Pike, and the basin will be out of public view due to it being below ground level.

Mr. Black said that they are not proposing anything for the remaining area; but should a proposal be submitted, the Commission would need to approve that request. With that being said, they are in agreement with the revised recommendations and requested approval.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Planning Commission Question – Mr. Wilson asked how the sewer line was found if the development was not platted. Mr. Black said that at the Technical Committee review it was mentioned that there was a sewer line running though this area.

Mr. Owens asked if the applicant is in agreement with resolving the proposed building envelope conflict with the parking spaces. Mr. Black replied affirmatively, noting that there is the possibility of a smaller building being proposed.

Ms. Copeland explained her experience during a recent site visit, and said that there are nice hedges along the right-of-way of Newtown Pike, with the exception of 5 feet in an area where the detention basin intersects with Newtown Pike. She asked that the existing landscaping be retained and additional screening be considered. Mr. Black said that there is no proposal to remove any landscaping along Newtown Pike, and they do not mind making that a note on the development plan.

Action - A motion was made by Ms. Copeland, seconded by Mr. Wilson, and carried 6-0 (Beatty, Blanton and Paulsen absent) to approve DP 2011-61: A-1 SANITATION & EDSTER PROPERTY, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.

7. Division of Fire's approval of emergency access and fire hydrant locations.
8. Division of Waste Management's approval of refuse collection.
9. Denote tree protection area and add calculation per Article 26 of the Zoning Ordinance.
10. Addition of soil erosion control note and reference Chapter 16 of the Code of Ordinances.
11. Delete note #8.
12. Addition of note from Zoning Development Plan regarding provision of fire hydrants.
13. Resolve the possible conflict with the existing sanitary sewer line.
14. Resolve proposed building envelope conflict with parking spaces.

C. PERFORMANCE BONDS AND LETTERS OF CREDIT – Any bonds or letters of credit requiring Commission action will be considered at this time. The Division of Engineering will report at the meeting.

Action - A motion was made by Mr. Brewer, seconded by Ms. Roche-Phillips, and carried 6-0 (Beatty, Blanton and Paulsen absent) to approve the release and call of bonds as detailed in the memorandum dated July 14, 2011, from Ron St. Clair, Division of Engineering.

V. COMMISSION ITEMS - The Chair will announce that any item a Commission member would like to present will be heard at this time.

A. ELECTION OF OFFICERS – The Commission's By-laws state that the Commission shall elect a nominating committee to present its slate for consideration by the Planning Commission. Nominations may also be made from the floor.

Mr. Cravens announced that Ms. Beatty, Mr. Paulsen and Ms. Blanton had been chosen to serve as the nominating committee for the new Chairperson and Parliamentarian, since the terms of Ms. Richardson and Mr. Holmes have expired.

B. PFR 2011-5: FAYETTE COUNTY PUBLIC SCHOOLS - a Public Facilities Review for construction of a permanent band tower for Henry Clay High School, located at 2100 Fontaine Road. (Council District 5)

SUMMARY FINDINGS: There are no Goals, Objectives or text of the Comprehensive Plan in opposition to construction and use of a permanent band tower at Henry Clay High School. The Land Use Element of the Plan recommends that the property be used for Public Education purposes, which includes extra-curricular school activities as much as academics. This is in recognition of the property's historic use as a public high school and indicates a desire for it to remain as such. The text of the Comprehensive Plan, including both the Land Use Element and the Community Facilities chapter, support the project, as do several Goals and Objectives.

STAFF RECOMMENDATION: **Approval**, as requested, with the following recommendations:

1. Even though the Fayette County Public School System is exempt from Zoning Ordinance requirements, it must still comply with State Building Code requirements. It is therefore recommended that any applicable permits be obtained from the Division of Building Inspection prior to commencing construction of the band tower.
2. The scaffolding that has historically been used as a band tower for the school shall be removed at the termination of construction of the new tower.

Staff Presentation - Ms. Rackers directed the Commission's attention to PFR 2011-5, and stated that this is a Public Facilities Review for a new band tower at Henry Clay High School, which is located at the corner of Fontaine Road and Lakeshore Drive. She oriented the Commission to the surrounding street system, and said that the majority of the surrounding area includes residential zoning (R-1C, R-2 and R-4), as well as an area to the southeast that is zoned Agricultural Urban (A-U), which is used the Kentucky American Water Company property.

Ms. Rackers stated that the Land Use Element of the 2007 Comprehensive Plan recommends Public Education land use for this property. This is reflective of its historic and current use as a public school. She said that the Public Education land use accommodates all uses of the Fayette County Schools. The school campus is 38.07 acres in size and contains 265,563 sq. ft. of building, including the main academic building, the cafeteria, the gymnasium, and the band tower, as well as tennis courts and fields used for the different sporting events and their associated structures. She said that there are two main parking areas, as well as two other parking areas, containing a total of 412 parking spaces.

Ms. Rackers said that the existing band tower poses a potential safety hazard, and they were requested by the Division of Building Inspection to correct this. She then said that the Division Building Inspection and the Division of Fire had determined that the proposed location of the new band tower, between the gymnasium and the south parking lot, was an acceptable location. The tower will be 35 feet tall, 9' X 5' and will be placed on an 11' x 11' concrete pad. She said that the band tower will be used by the Henry Clay High School band directors and two or three other staff members. Occasionally a videographer will tape rehearsals, but only when one of the band directors is present.. No students will have access to the tower, which will be locked at all times when not in use by the band. The band tower will be used through the marching band season, which is generally July through November. The hours of operation are Monday through Saturday between the hours of 8:00 AM and 7:00 PM, three to six hours at a time. The band tower will be used to monitor the band's marching formation during rehearsals, as well as preparation for band competitions. The school is hoping to have the band tower constructed in time for the first day of school in August. Ms. Rackers said that the Henry Clay High School was relocated from the downtown area and has been at this location

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for about 40-years. She then said that the marching band has been part of the schools curriculum since the school was established.

Ms. Rackers said that this proposed project is not on the same scale as past requests, but Henry Clay's marching band is as much a part of the school's curriculum as are academics, and the band tower can be considered an improvement to the school as part of the state-of-the-art facilities referenced in the 2007 Comprehensive Plan. The 2007 Comprehensive Plan supports this request (Goals and Objectives, as well as text), and there is nothing in the Plan found to be in opposition to this request.

In conclusion, Ms. Rackers stated that the staff is recommending approval, subject to the following recommendations:

1. Even though the Fayette County Public School System is exempt from Zoning Ordinance requirements, it must still comply with State Building Code requirements. It is therefore recommended that any applicable permits be obtained from the Division of Building Inspection prior to commencing construction of the band tower.
2. The scaffolding that has historically been used as a band tower for the school shall be removed at the termination of construction of the new tower.

Representation – Andrew Moore, EOP Architects, was present representing the applicant. He said that he had no further comments.

Planning Commission Comment – Ms. Roche-Phillips said that she is surprised a band tower would need to come before the Commission. Ms. Rackers said that KRS 100.324(4) requires the Commission to review any proposed changes made to a public school property; although it may be "overkill" to review such a minor project, it is a change to the property.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action: A motion was made by Ms. Roche-Phillips, seconded by Mr. Owens and carried 6-0 (Beatty, Blanton and Paulsen absent), to approve the Public Facility Review for property located at 2100 Fontaine Road, as presented by the staff.

VI. **STAFF ITEMS** – The Chair will announce that any item a Staff member would like to present will be heard at this time.

A. **UPCOMING WORK SESSION** – Mr. King reminded the Commission members of the upcoming work session scheduled for July 21, 2011.

VII. **AUDIENCE ITEMS** – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

VIII. **NEXT MEETING DATES** -

Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers	July 21, 2011
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building)	July 27, 2011
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers	July 28, 2011
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building)	August 4, 2011
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building).....	August 4, 2011
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	August 11, 2011

IX. **ADJOURNMENT** - There being no further business, a motion was made to adjourn the meeting at 2:55 PM.

Mike Cravens, Vice Chair

Mike Owens, Secretary